

Read second time and referred to a select committee.

Messrs. Burleson, Brashear and Jewett were appointed said committee.

Joint resolution appropriating one hundred dollars for the purpose of procuring a map of Shelby county.

Read second time and passed to a third reading.

On motion of Mr. Wallace,

The rule was suspended,

Bill read third time and passed.

Mr. Dancy; Chairman of the committee on State Affairs made the following report.

The committee on affairs of State, to whom was referred, "A bill to be entitled an act to require all land titles to be recorded in the county where the land lies," after examining the same have instructed me to report a substitute therefor, and recommend the adoption of the substitute and the passage thereof.

A bill to be entitled an act regulating fees of office.

Read first time.

On motion of Mr. Wallace, the rule was suspended.

Bill read second time and referred to the committee on the Judiciary.

On motion of Mr. McRae the Senate adjourned.

Friday, 9 o'clock, A. M.

March 17th, 1848.

The Senate was called to order by the President.

The following Senators answered to their names:

Messrs. Abbott, Bourland, Brashear, Clark, Cuny, Dancy,

Gage, Grimes, Jewett, Fitzgerald, McRae, Navarro, Parker Perkins and Wallace.

Quorum present.

The Journal of the preceding day was read and adopted.

Mr. Clark, Chairman of the committee on the Judiciary, to whom was referred,

"A bill to be entitled an act supplementary to an act entitled an act to establish the Judicial districts of the District Courts," returned the same to the Senate and recommended its passage.

Mr. Clark, also made the following report.

The Judiciary committee, to whom was referred "an act regulating fees of office," have directed me to return it for the action of the Senate with the following proposed amendments.

First. In last line of second section, strike out the word "exceeding" before the word "five" and insert the words "after the first."

Second. Between the 47th and 48th lines of 8th section, insert "for each mile travelled in going to serve all writs of citation, sequestration, attachment or subpœna; and also for serving copies of interrogatories, five cents."

Third. Between the 44th and 45th lines of 8th section, insert "for keeping prisoners, fifty cents per day, to be approved by the county Court, and to be paid out of the Treasury of the county, where the prisoner committed the crime."

4th. Strike out the 16th section.

Some of the committee think the fees allowed all officers by the bill in some instances too large, but as they have not had sufficient time to give the bill a strict and thorough examination, they have forbore to make any other amendments than the ones reported.

EDWARD CLARK,
Chairman.

Mr. Gage, Chairman of a committee of conference on the part of the Senate, made the following report.

*To the President of the Senate,
and Speaker of the House of Representatives:*

The committee of conference, on the "act prescribing the punishment for cutting trees or timber upon any land without the consent of the owner," have agreed, with one dissenting voice, (the chairman on the part of the Senate) that the Senate recede from its amendment, and recommend the following amendments.

Insert in section second, after the words "person shall" the words "wilfully and knowingly" and add to the end of same section, the words, "provided, the imprisonment shall not exceed ninety days."

And ask the concurrence of the two Houses to the same.—
All of which is respectfully submitted.

G. GAGE, Chairman
on part of the Senate.

GUY M. BRYAN Chairman
on part of the House of Representatives.

Which report was adopted.

—
Mr. Gage, also made the following report.

The committee of conference to whom was referred "an act to provide for fixing the seat of justice of the county of Dallas," have met and conferred upon the same, and agree that the House recede from their amendment, striking out the name of "William Jenkins," and recommend striking out the name of "William J. Walker." All of which is respectfully submitted.

D. GAGE Chairman
on part of the Senate.

E. E. LOTT, Chairman
on part of the House.

Which report was adopted.

Mr. Jewett, from the committee on Apportionment, Privileges and Elections, made the following reports :

The undersigned, from the committee on Apportionment, Privileges and Elections, in the absence of the chairman and one other member, on account of sickness, report that they have considered the bill to apportion the Senators and Representatives of the Legislature among the several counties of the State, and with the following amendments recommend it to the favorable action of the Senate.

1st amendment—

After the word "Burleson" in section 3, 19th line, insert "Williamson."

2d amendment—

Add to the end of section third these words "and the county of Santa Fe, shall be entitled to one Representative."

3d amendment.

Add another section to follow section third, as follows:

"Be it further enacted that any new counties not herein enumerated, and otherwise provided for, shall form parts of the Senatorial and Representative districts, from which the whole or a greater portion of such counties may have been created.

4th amendment—

Change the number of section 4th to section 5th.

HENRY J. JEWETT,
EDWARD BURLESON,
For the Committee.

Mr. Jewett also made the following report :

The undersigned from the committee on Apportionment, Privileges and Elections, report that they have considered the amendments to the apportionment bill, offered as a substitute to

the bill which has passed the House, and was referred to your committee.

The substitute proposes a Senatorial basis of nineteen Senators, and an additional Senator for Santa Fe, and for the House, a basis of forty nine members, and one additional member for Santa Fe.

With this statement of the provisions of the substitute, the same is submitted for the action of the Senate.

HENRY J. JEWETT,
EDWARD BURLESON,
Of the Committee.

A message was received from the House of Representatives, in forming the Senate, that the House had passed the following bills, viz:

A bill to be entitled an act to incorporate the Galveston Manufacturing Company.

A bill to be entitled an act to locate permanently the seat of justice of Calhoun county.

A bill to be entitled an act to incorporate the Goliad statistical society.

A bill to be entitled an act to provide for the collection of the arrearages of taxes due on property assessed under the laws of the late Republic of Texas.

A bill to be entitled an act to authorize and require the Governor to employ counsel to represent the State in suits and actions, wherein the State may be interested, that may be taken to the Supreme Court of the United States.

Also, that the House had passed a bill to be entitled an act regulating fees to be charged by the Secretary of State, Commissioner of the General Land Office, Comptroller, Treasurer, and Adjutant General," as a substitute for "a bill originating in the Senate, to be entitled an act to require the Commissioner of the General Land Office to charge fees for business done in his office, where the State is not concerned."

Also, that the House had adopted the substitute of the Senate for a bill to be entitled an act creating the county of Cooke, and had adopted the substitute of the Senate, for a bill to be entitled an act to fix the times of holding the district courts in the ninth Judicial district.

And that the House had receded from their amendments to a bill to be entitled an act to create the county of Van Zandt.

And also, had passed a bill to be entitled an act to authorize and require the judges of the district courts to hold special sessions thereof, for the trial of persons charged with the commission of crimes, the punishment of which is death, which originated in the Senate.

The Senate proceeded to the orders of the day.

Joint resolution, requesting John C. Watrous to resign his office as Judge of the United States District Court, for the District of Texas.

Read third time.

Mr. Cuny presented two several legal opinions of John C. Watrous, in regard to certain tracts of land, which said opinions were dated in Philadelphia, one on the 27th August, 1845, and the other on the 29th April, 1846, which were read.

Mr. Gage moved to amend the preamble, by striking out "has become apparent," and inserting "is believed."

Adopted.

Mr. Gage moved to amend by striking out "has violated his duty as a judge and," in ninth and tenth lines, and inserting "it is believed."

Adopted.

Mr. Cuny moved to amend the preamble, by striking out all after the word "has," in third line, to the word "while," in same line, and by striking out all after the word "he," in seventh line to the word "has," in eighth line.

Adopted.

Mr. Wallace moved to strike out the whole preamble.

Lost.

The joint resolution then passed.

A bill to be entitled an act to change the name of Hn Conner to Hn Valentine Dalton, and to make him the lawful heir of Valentine T. Dalton, was read and passed to a third reading.

On motion of Mr. Brashear the rule was suspended, bill read third time and passed.

A bill to entitled an act prescribing the mode of establishing the liabilities of drawers and endorsers of bills of exchange and promissory notes, was read and passed to a third reading.

On motion of Mr. Brashear, the rule was suspended, bill read third time and passed.

A message was received from the House of Representatives, informing the Senate that the House had adopted the reports of the committee of conference, on a bill to be entitled an act to provide for fixing the seat of justice of the county of Dallas, and on a bill to be entitled an act prescribing the punishment for cutting down, carrying away or destroying trees or timber upon any land, without the consent of the owner.

A bill to be entitled an act to regulate proceedings in the county courts, relating to guardians and wards, was read.

Mr. Jewett moved to amend the 1st section, by striking out all after the word "estates," in third line from the bottom.

Adopted.

Mr. Wallace moved to amend the third section, by striking out all after "one" in sixth line, and inserting "for said minor."

Adopted.

Mr. Wallace moved to amend the 12th section, by striking out "appointment" in third and fourth lines, and inserting "guardianship," and in eighth line, same section, by striking out "appointment" and inserting "guardianship."

Adopted.

Mr. Wallace moved to amend the 18th section, by striking out "like manner as," in fifteenth and sixteenth lines, and inserting "in the manner prescribed by law."

Adopted.

Mr. Wallace moved to amend the 19th section, by inserting the words "against the minor" after "conclusive," in third line.

Adopted.

Mr. Wallace moved to amend the 21st section, by inserting the word "legal" after ordinary," in second line.

Rejected.

Mr. Wallace moved to amend the 24th section, by inserting "or may have been" after "be," in third line, and by inserting "upon giving bond and security as herein provided for guardians of estates," after "shall," in third line.

Adopted.

Mr. Fitzgerald moved to strike out the seventh section.

Lost.

On motion of Mr. Jewett, the bill was laid upon the table.

A message was received from His Excellency the Governor, presenting a communication in writing, which was read, and

On motion of Mr. Clark, made the special order of the day for to-morrow.

On motion of Mr. Brashear, joint resolution for the relief of C. B. Cogswell, was taken up.

Read and passed to a third reading.

On motion of Mr. Brashear, the rule was suspended.

Read third time and passed.

On motion of Mr. Jewett, joint resolution for the relief of the estate of Lieut. J. P. Lansing, deceased, was taken up, and read second time, and,

On motion of Mr. Burleson, referred to the committee on Claims and Accounts.

Mr. Wallace made the following report:

The special committee, to whom was referred the "bill to be entitled an act providing for the payment of jurors," have instructed me to report the following amendments, to wit:

In section 1, in second line, strike out "jurors shall each," and insert "every juror shall."

In fourth line, strike out all after "court."

The committee recommend the adoption of these amendments, and the passage of the bill, when amended.

B. RUSH WALLACE, Chairman.

On motion of Mr. Dancy, the rule was suspended.

Report adopted and bill read, and passed to a third reading.

On motion of Mr. Parker, the rule was further suspended, bill read a third time and passed.

Mr. Clark, chairman of the committee on the Judiciary, made the following report:

The Judiciary Committee, to whom was referred "a bill making additional donations of land for the purposes of education," have considered the same, and the majority of said committee have directed me to return it for the action of the Senate.

Without inquiring into the power of the Legislature to do

what the bill proposes, the committee would suggest that, perhaps it is the true policy of Texas not to make any disposition of her domain, or any large portion thereof, until she has discharged her debts. The object of the bill is a very laudable one, and the public land would not be donated to a nobler purpose, if it is not to be made the means of liquidating our pecuniary or other liabilities.

On motion of Mr. Abbott,
Joint resolution for the relief of Lewis Thuner, was taken up.

Read, and passed to a third reading.

On motion of Mr. Abbott, the rule was suspended.

Read third time and passed.

A message was received from His Excellency, the Governor, presenting two communications in writing, which were read, and made the special order of the day for to-morrow.

On motion of Mr. Fitzgerald, the motion to re-consider the vote which refused to engross a bill to be entitled an act to define the boundaries of the county of Refugio, was taken up.

The yeas and nays were then called on the re-consideration, and stood thus:

Yeas—Messrs. Bourland, Burleson, Jewett, Fitzgerald, and Wallace—5.

Nays—Messrs. Abbott, Brashear, Clark, Cuny, Dancy, Gage, McRae, Navarro, Parker and Perkins—10.

So the Senate refused to re-consider the vote.

The Senate adopted the substitute of the House for a bill to be entitled an act to require the Commissioner of the General Land Office to charge fees for business done in his office, where the State is not concerned.

Mr. Perkins, chairman of the committee on Engrossed Bills, reported a bill to be entitled an act to incorporate the town of Jefferson, correctly engrossed.

A bill to be entitled an act to regulate marks and brands, together with the report of the committee on State Affairs, offering amendments, was read.

Report adopted.

And bill passed to a third reading.

On motion of Mr. Perkins, the rule was suspended.

And bill read third time and passed.

A bill to be entitled an act authorizing the appointment of a Fiscal Agent, and for the better security of the Revenue, together with the report of the committee on Finance, was read.

Report adopted.

And bill passed to a third reading.

On motion of Mr. Perkins, the rule was suspended, bill read a third time and passed, by the following vote:

Yeas—Messrs. Abbott, Bourland, Brashear, Dancy, Jewett, Fitzgerald, McRae, Navarro and Perkins—9.

Nays—Messrs. Burleson, Clark, Cuny, Gage Parker and Wallace—6

A bill to be entitled an act regulating estrays, together with the report of the Committee on State Affairs, offering amendments thereto, was read, and

Report adopted.

Mr. Cuny moved to amend by inserting after the word "same," in sixth line of twelfth section, "*Provided, that no horse, mare, mule, colt, or jenny, shall be estrayd unless the same shall have been in the range of the taker up at least sixty days before estraying the same.*"

Adopted.

The bill then passed to a third reading.

On motion of Mr. Cuny, the rule was suspended.

Bill read a third time and passed by the following vote:

Yeas—Messrs. Abbott, Bourland, Brashear, Clark, Cuny, Dancy, Jewett, McRae and Navarro—9.

Nays—Messrs. Burleson, Gage, Fitzgerald, Parker, Perkin and Wallace—6.

On motion of Mr. Wallace, a bill to be entitled an act supplementary to an act entitled an act to establish the Judicial

District Courts, was taken up, read and passed to a third reading.

On motion of Mr. Wallace, the rule was suspended, bill read a third time and passed.

A bill to be entitled an act to change the name of Ralph William Peacock, to John Bowen, was read a second time, and passed to a third reading.

On motion of Mr. Fitzgerald, the rule was suspended.

Bill read third time and passed.

On motion of Mr. Gage, the Senate adjourned until half-past 2 o'clock, p. m.

Half-past 2 o'clock, p. m.

Senate met; roll called; quorum present.

A bill to be entitled an act to provide for the more certain collection of the Taxes, for the years 1846 and 1847, together with the report of the committee on Finance, offering amendments, was read.

Mr. Navarro moved to amend the first amendment offered by the committee, by striking out "August" and inserting "November."

Adopted.

The report of the committee was then adopted.

Mr. Wallace moved to re-consider the vote which adopted the report of the committee.

Carried.

On motion of Mr. Wallace, the substitute for the third section was stricken out.

On motion of Mr. Wallace, the third section was stricken out.

The bill then passed to a third reading.

On motion of Mr. Brashear, the rule was suspended.

Bill read third time and passed.

A message was received from the House of Representatives, informing the Senate that the House had passed a substitute for

joint resolution instructing our Senators and requesting our Representatives, to procure the passage of an act of Congress concerning the establishment of a temporary line of Military Posts, and relative to trade and intercourse with the Indians; and that the House had concurred in all the amendments of the Senate, to

A bill to be entitled an act providing for the assessment and collection of Taxes; and that the House had passed

A bill to be entitled an act prescribing the manner of adopting children; and

A joint resolution to authorize the Comptroller of the State of Texas to settle with Major R. S. Neighbors.

On motion of Mr. Jewett, the Senate refused to adopt the substitute of the House to a joint resolution instructing our Senators, and requesting our Representatives to procure the passage of an act of Congress concerning the establishment of a temporary line of Military Posts, and relative to trade and intercourse with the Indians; and a committee of Conference were appointed thereon.

Messrs. Jewett, Wallace and Cuny were appointed said committee.

Joint resolution for the relief of Ford & Cronican.

Read second time, and passed to a third reading.

On motion of Mr. Gage,

A bill to be entitled an act for the ascertainment and adjustment of the liabilities of the late Republic of Texas, was taken up and read, together with the report of the committee on Claims and Accounts thereon, offering amendments, and report adopted.

Mr. Jewett offered as a substitute for the bill, the following:

A bill to be entitled an act to provide for ascertaining the debt of the late Republic of Texas.

Which was read and adopted.

The bill then passed to a third reading.

On motion of Mr. Gage, the rule was suspended.

The bill read third time.

Mr. Wallace moved to amend the second section by inserting "the par value thereof, at the time the same accrued or were issued."

Adopted.

The bill then passed.

A message was received from the House of Representatives,

informing the Senate that the House had passed the following joint resolutions, viz.:

Joint resolution requiring all books and papers in the late Auditor's office to be transferred to the office of the Comptroller of Public Accounts; and

Joint resolution authorizing the Commissioner of the General Land Office to rent lot No. 2, in block No. 97, in the city of Austin.

On motion of Mr. Cuny,

Joint resolution requiring all books, records and papers in the late Auditor's office to be transferred to the office of the Comptroller of Public Accounts, was taken up and read first time.

On motion of Mr. Cuny, the rule was suspended.

Read second time, and referred to the committee on Finance.

Mr. Abbott, chairman of the committee on Enrolled Bills, reported the following bills correctly enrolled viz:

An act to authorize John H. Reagan and his associates to open and construct a turnpike road from the town of Buffalo, on the Trinity River, across the bottom to the highland, on the west side, in the direction to the town of Corsicana.

An act to regulate the Public Printing.

An act for the relief of Alfred Johnson.

An act to define the times of holding the District Courts in the Fifth, Sixth and Eighth Judicial Districts.

An act supplementary to an act to regulate the Public Printing.

An act to prescribe the times of holding the Courts in the Second Judicial District of the State of Texas.

Joint resolution for the relief of Garrison Greenwood; and

Joint resolution on the "Proviso," slavery, the tariff, and the war against Mexico:

And that said acts and joint resolutions were transmitted to the Governor on the 17th instant, for approval.

Mr. Burleson, chairman of a select committee, made the following report:

The select committee, to whom was referred a bill to be entitled an act to incorporate the city of Austin, passed 11th May

1846, have had the same under consideration, and instructed me to report the same back to the Senate, with an amendment, and recommend its passage.

Report adopted, and bill passed to a third reading.

On motion of Mr. Brashear,

The rule was suspended.

Bill read third time and passed.

On motion of Mr. Jewett,

A bill to be entitled an act to amend the 11th section of an supplementary to an act to detect fraudulent land certificates, and to provide for issuing patents to legal claimants, was taken up, and

Read first time.

On motion of Mr. Jewett, the rule was suspended.

Bill read second time, and laid upon the table.

Mr. Wallace, by leave, introduced a bill to be entitled an act to define the time at which the acts of the Legislature shall take effect.

Read first time.

On motion of Mr. Wallace,

The rule was suspended.

Bill read second time, and referred to the committee on the Judiciary.

On motion of Mr. Bourland,

A bill to be entitled an act to incorporate the town of Mount Pleasant, in the county of Titus, was taken up, and together with the report of the committee on State Affairs, offering amendments, read.

Report adopted, and bill passed to a third reading.

On motion of Mr. Bourland,

The rule was suspended.

Bill read third time and passed.

On motion of Mr. Navarro,

Joint resolution for the relief of Nathaniel R. Mallon and others, members of Capt. John C. Hays' spy company, in the year 1842, was taken up, and read first time.

On motion of Mr. Navarro,

The rule was suspended.

And bill read second time, and

On motion of Mr. Grimes, referred to the committee on Claims and Accounts.

Mr. Clark, chairman of the Committee on the Judiciary, to whom was referred "A bill to be entitled an act to suppress banking," returned the same to the Senate for their action.

Mr. McRae offered the following resolution:

"Resolved, That the Secretary of the Senate be authorized to employ one other clerk to assist generally in the business of the Senate, during the remainder of the present session of the Legislature, and that he be allowed the per diem pay allowed to the clerks of the present Legislature, to be paid out of the contingent fund."

Adopted.

On motion of Mr. Parker,

A bill to be entitled an act to apportion the Senators and Representatives of the Legislature among the several counties of this State was taken up and read, and

On motion of Mr. Gage, laid upon the table.

A message was received from the House of Representatives, requesting that,

"A bill to be entitled an act to authorize and require Judges of the District Courts to hold special sessions thereof, for the trial of persons charged with the commission of crimes, the punishment of which is death," be returned to the House.

Which request was granted, and

Bill returned.

Mr. Grimes, chairman of the committee on Finance, made the following report:

The committee on Finance, to which was referred

A bill to be entitled an act making appropriations for the support of the Government for the years 1848 and 1849, have had the subject under consideration, and instructed me to report the bill with amendments, and recommend its passage.

Amendments—

In sec. 1, line 6, after "members" insert "per diem pay of the President of the Senate, and one interpreter."

In same line, strike out "thirteen" and insert "sixteen."

In 35th line of same section, strike out "eight hundred" and insert "one thousand."

On first page, last line, after "thousand," insert "five hundred."

On 2d page, strike out "annually one hundred," and insert "to present time and for funeral expenses, seventy-five dollars, which may be drawn by her son, Miguel Garcia."

On page second, 18th line, strike out "five" and insert "four."

In 20th line, page 2d, strike out "five" and insert "four."

In 22d line, page 2d, strike out "four" and insert "five."

At the end of 22d line, on page 2, insert "for copying journals dollars."

In 1st section, 2d page, 27th line, strike out after "annually" the words "which shall not be drawn unless the Treasury can spare that amount."

In 1st section, 2d page, strike out all pertaining to compensation of Logan & Sterne, and Charles De Morse, for printing, &c.

At the end of 2d sec. add—"For compensation of Auditor for taking care of office and occasional reference to records and papers therein, dollars."

"Sec. For compensation of Ford & Cronican, for publishing assessments of taxable property assessed out of the counties where the property lies, five hundred dollars."

"For surveying land scrip already surveyed, four hundred and fifty dollars."

"For freight on books and public documents, sent to the State of Texas, one hundred dollars."

"For compensation of Thomas J. Jennings, for services as Special Associate Justice of the Supreme Court, during the present session of the Court dollars."

In 1st section strike out "ten" and insert "eleven" before "District Judges"; in same section strike out "ten" and insert "eleven" before "District Attorneys."

Mr. Abbott offered the following preamble and resolutions:

"Whereas it has pleased Divine Providence to call from among us the Hon. Richard Bache, Senator from the District of Galveston: And whereas the deceased, by his amiable deportment as well as his unbending integrity, no less lives in the hearts than he commands the respect of the Senate, of which he was a member:—Therefore,

1. Be it resolved, That the Senate stand adjourned, and

that the House of Representatives be requested to adjourn, and that the members of each House attend his funeral on to-morrow, at 10 o'clock.

2. Be it further resolved, That the Senate will wear the usual badges of mourning for thirty days, as a testimony of their regard for the deceased.

3. Be it further resolved, That they sympathize deeply with the family of the deceased in their bereavement.

4. Be it further resolved, That the Secretary of the Senate be instructed to furnish the family of the deceased with a copy of this preamble and resolutions."

Adopted.

Messrs. Cuny, Perkins, Brashear and Abbott were appointed a committee to make arrangements for the funeral ceremonies.

On motion of Mr. Perkins, the Senate adjourned until to-morrow, 2 o'clock, p. m.

Saturday, 2 o'clock. P. M.
March 18th, 1848.

The Senate met pursuant to adjournment.

The President in the chair.

The following Senators answered to their names:

Messrs. Abbott, Bourland, Brashear, Burleson, Clark, Cuny, Dancy, Gage, Jewett, Fitzgerald, McRae, Navarro, Parker, Perkins and Wallace.

Quorum present.

The Journal of the preceding day was read and adopted.

A message was received from the House of Representatives, informing the Senate that the House had refused to adopt the substitute of the Senate for a bill to be entitled an act to provide for the ascertainment and adjustment of the liabilities of the late Republic of Texas.